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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,541	03/11/2004	Michael J. Gray	00216-665001 / Case 8135	6481
26161	7590	04/07/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MICHALSKI, SEAN M	
			ART UNIT	PAPER NUMBER

3725

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/798,541

Applicant(s)

GRAY ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In the following action, Examiner uses a shorthand notation denoting dependence of claims, where cases of multiple dependency exist. For example "12/1" indicates "claim 12 dependant on claim 1".

#### ***Specification***

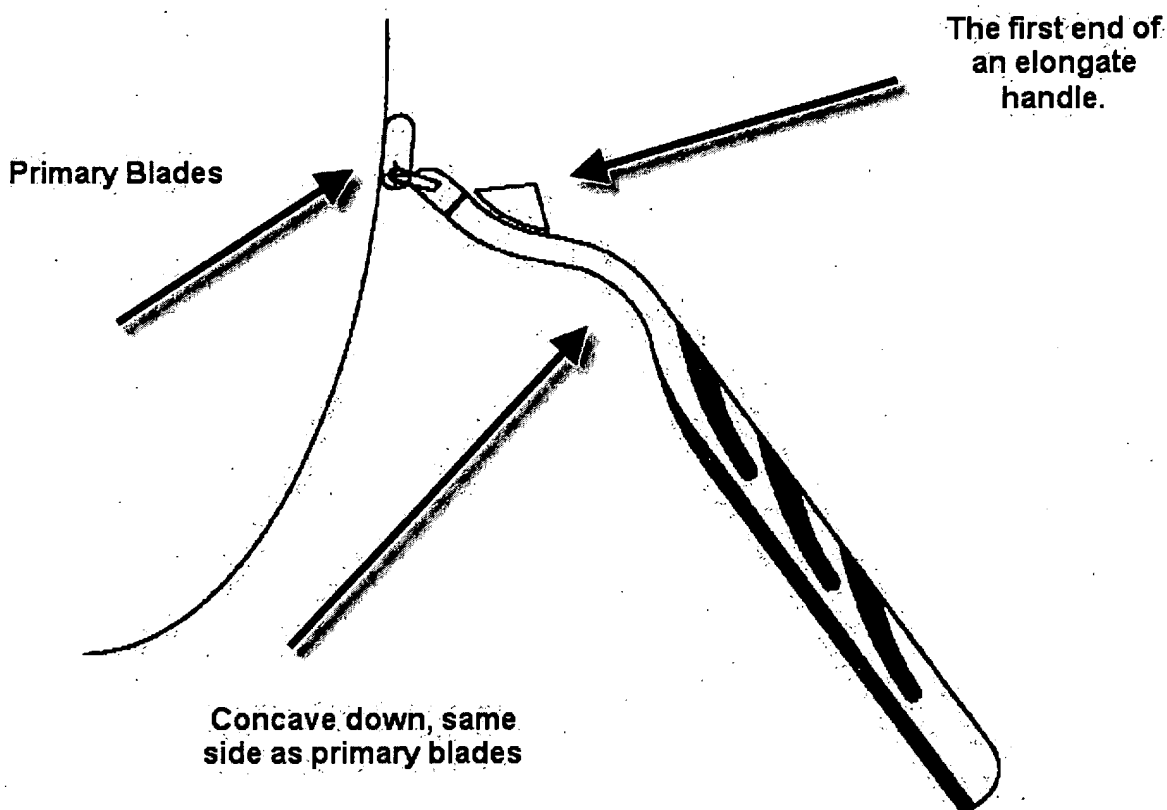
1. The disclosure is objected to because of the following informalities: In paragraph 1 of the Detailed description, reference is made to numerals 22, 24, 26 in figures 1 and 2. The numerals are not in figures 1 or 2.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

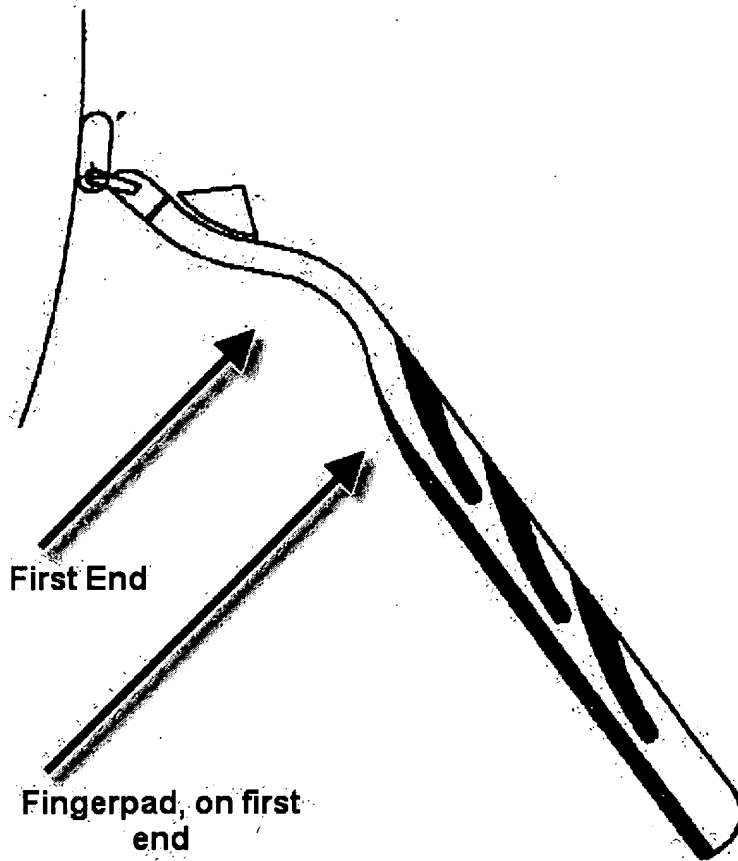
2. Claims 1, 2, 4, 9/1, 9/2 and 12/1 ,12/2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (USPN 6,276,061).
3. Regarding claim 1, Rosenkranc discloses a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further discloses primary razor blades located between the cap and guard. Rosenkranc further discloses a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having its cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further discloses an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below)



4. Regarding claim 2, , Rosenkranc discloses a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further discloses primary razor blades located between the cap and guard. Rosenkranc further discloses a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further discloses an elongate handle (1 figure 2) having a curve at the first end concave on the same side as

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primary blades (figure 2). Rosenkranc further discloses a finger pad at said first end , on the same side as said primary blades (see figure below).



5. Regarding claim 4, Rozenkranc discloses all the elements of claim 1, as discussed above. Rozenkranc further discloses a finger pad as discussed above, and shown in the above picture.

6. Regarding claims 9/1 and 9/2, Rozenkranc further discloses that there be three primary blades.

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7. Regarding claim 12/1 and 12/2, Rozenkranc further discloses that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

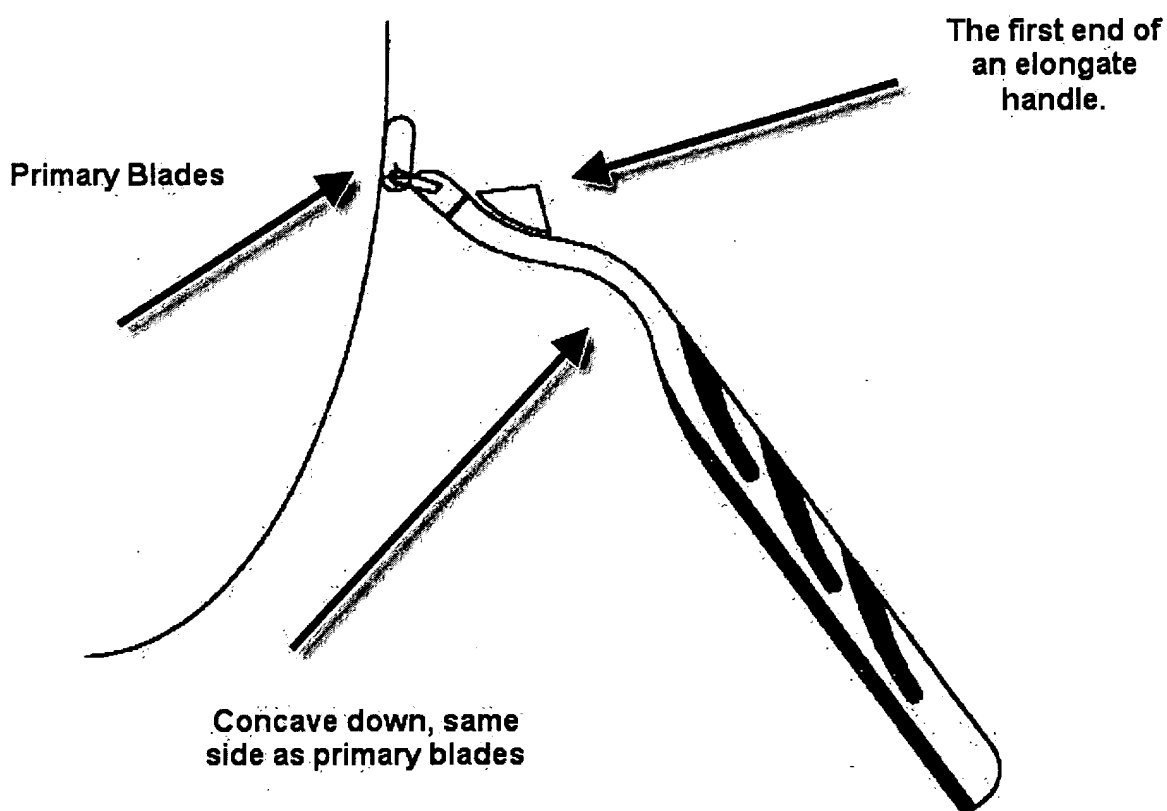
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 3, 5, 6, 9/3 and 12/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder (USPN 5,533,263).

11. Regarding claim 3, Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure 1) a primary cap (5 figure 1). Rozenkranc further teaches a primary razor blades located between the cap and guard. Rozenkranc further teaches a trimming blade (4 figure 1) mounted at the

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back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below)



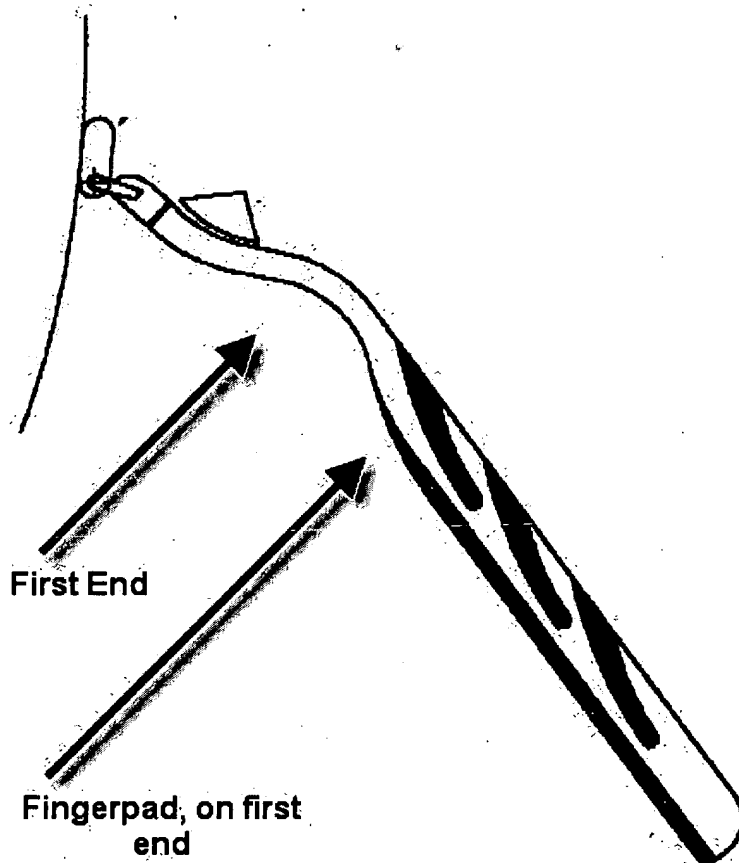
Rozenkranc does not teach a bifurcated handle at said first end.

Gilder teaches a handle that is bifurcated such that there is a region between the two portions.

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In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a configuration "so as not to obstruct flow of rinsing water through the blade unit" (column 1 lines 37-38). The motivation to combine is that a bifurcated handle is easier to rinse.

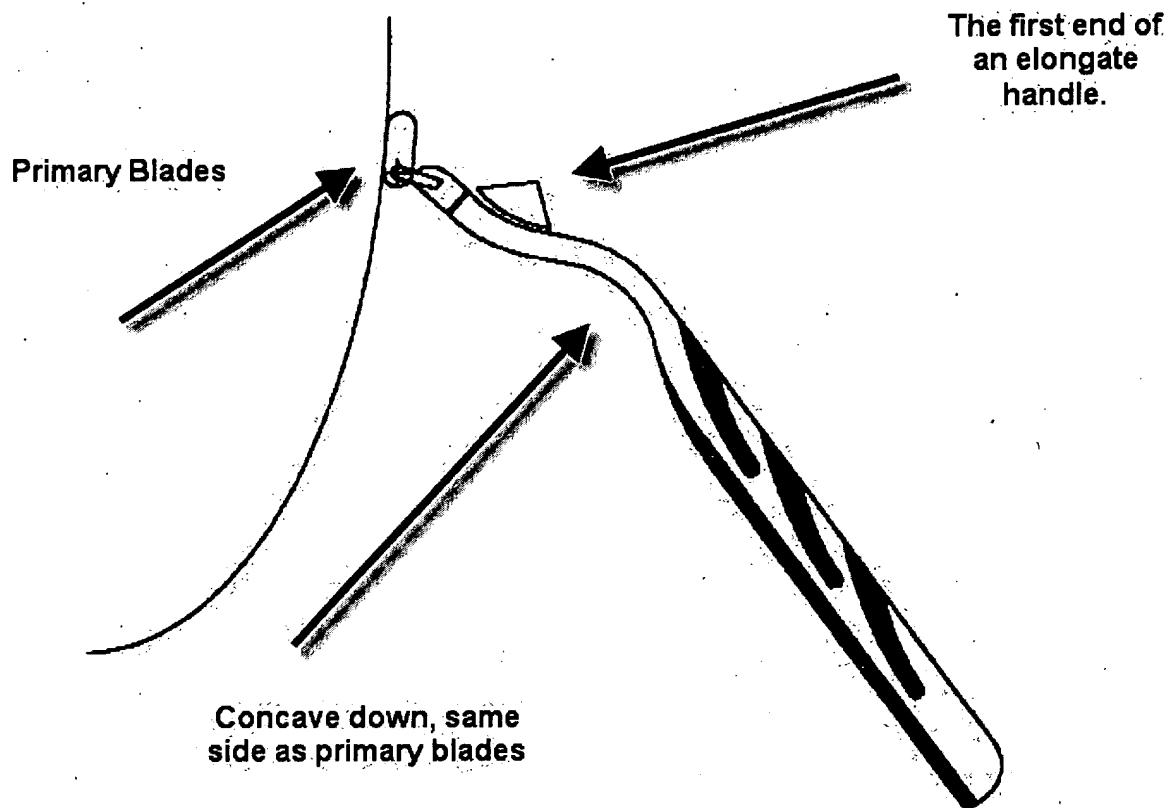
12. Regarding claim 5, Rosenkranc further teaches a finger pad at said first end , on the same side as said primary blades (see figure below).





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13. Regarding claim 6, Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure 1) a primary cap (5 figure 1) . Rosenkranc further teaches a primary razor blades located between the cap and guard. Rosenkranc further teaches a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below).



Rozenkranc does not teach a bifurcated handle at said first end.

Gilder teaches a handle that is bifurcated such that there is a region between the two portions.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a

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configuration "so as not to obstruct flow of rinsing water through the blade unit" (column 1 lines 37-38). The motivation to combine is that a bifurcated handle is easier to rinse.

14. Regarding claim 9/3, Rozenkranc further teaches the use of three primary blades.

15. Regarding claim 12/3, Rozenkranc further teaches that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc.

Regarding claim 7, all the limitations of claims 2,4, or 5 have been met as discussed above, except Rozenkranc is silent as to whether or not said finger pad is made of "elastomeric material". The Examiner hereby takes official notice that the use of elastomeric material is well known in the art for use as a finger pad, for grip comfort and control. It would have been obvious to one skilled in the art at the time of the invention to make the finger pad from an elastomeric material to make the grip comfortable and easy to control.

17. Claims 8/2 and 8/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Bosy et al. (USPN 6,598,303).

18. Regarding claim 8/5, Rozenkranc does not disclose the handle having 'relieved portions'.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the finger pad indented as taught by Bosy et al, for added comfort. The motivation to combine is that having the finger pad be indented (or have a relieved portion) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

19. Claim 8/5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claim 5 above, and further in view of Bosy et al. (USPN 6,598,303).

Regarding claim 8/5, Rozenkranc in view of Gilder does not disclose the handle having 'relieved portions'.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc in view of Gilder by making the finger pad indented as taught by Bosy et al, for added comfort. The motivation to combine is that having the finger pad be indented (or have a relieved portion) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

20. Claims 10/1, 10/2, 11/1 and 11/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc as applied to claims 1 or 2 above in view of "Platinum Mach 14".

Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor (see figure on page two) .

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

21. Claim 10/3 and 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claim 3 above, and further in view of "Platinum Mach 14".

22. Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

### ***Conclusion***

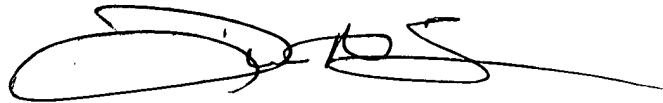
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMM

A handwritten signature in black ink, appearing to read 'DHB', with a long horizontal line extending to the right.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700